

# **PISTOL LICENSE HANDBOOK**

**PDCS-4000p**



Pistol Licensing Bureau  
Suffolk County Police Department  
30 Yaphank Avenue  
Yaphank, New York 11980

TEL -(631) 852-6311  
FAX -(631) 852-6670

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PL 265.01-d Criminal possession of a weapon in a restricted location.

1. A person is guilty of criminal possession of a weapon in a restricted location when such person possesses a firearm, rifle, or shotgun and enters into or remains on or in private property where such person knows or reasonably should know that the owner or lessee of such property has not permitted such possession by clear and conspicuous signage indicating that the carrying of firearms, rifles, or shotguns on their property is permitted or has otherwise given express consent.

Criminal possession of a weapon in a restricted location is a class E felony.

### **SECTION 3 – Incidents that require you to make a Police Report**

You must IMMEDIATELY report the following incidents to the police:

- A. The loss or theft of your firearm(s);
- B. The theft of your pistol license;
- C. The discharge of your firearm.<sup>25</sup>

### **SECTION 4 – Incidents that require you to notify the Licensing Bureau**

You must report the following incidents to the Licensing Bureau within the time frame indicated

- A. Within 24 hours of occurrence:
  - 1. Any incident in Section 2 above
  - 2. Loss of your pistol license
  - 3. Confiscation or revocation of your pistol license in any jurisdiction
  - 4. Your arrest in any jurisdiction
  - 5. The arrest of any member of your immediate household in any jurisdiction
  - 6. The issuance of any criminal process against you or any member of your immediate household<sup>26</sup>
  - 7. The issuance of an Order of Protection against you or any member of your immediate household
  - 8. Surrender of your licensed handguns to any law enforcement agency

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<sup>25</sup> Except at a range or while hunting

<sup>26</sup> For example, a criminal summons, field appearance ticket or warrant or arrest

9. Your involvement in any domestic incident that resulted in a police response
  10. Your evaluation for any mental health issues
  11. Evaluation of any member of your immediate household for mental health issues
- B. Within 10 days of occurrence
1. Change of your legal name, your home address or your telephone number
  2. Change of your business address for Premises/ Business licenses
  3. Change of your employment status for Employment, Business, Government licenses
  4. Sale of your licensed firearm(s)

## SECTION 5 – GROUNDS FOR SUSPENSION/REVOCATION

- A. The Licensing Officer may revoke or cancel a license at any time.<sup>27</sup>
- B. The following acts WILL RESULT in the suspension and possible revocation of your license:
1. Improper use or display of your firearm<sup>28</sup>
  2. Failure to properly safeguard your firearm<sup>29</sup>
  3. Failure to make any notification required by Section 2 and Section 3 of this Chapter<sup>30</sup>
  4. Failure to abide by the restrictions on your license as described in Chapter 2<sup>31</sup>
  5. Falsification of any documents submitted, or any statements made, to the Licensing Bureau<sup>32</sup>
  6. Failure to comply with requests from the Licensing Bureau<sup>33</sup>

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<sup>27</sup> Penal Law §400.00(11)(a)

<sup>28</sup> *DeAngelo v. Burns*, 124 A.D.3d 115, 63 N.Y.S.3d 767 (3<sup>rd</sup> Dept. 2015)

<sup>29</sup> *Trimis v. New York City Police Dept.* 300 A.D.2d 162, 752 N.Y.S.2d 47 (1 Dept. 2002), *leave to appeal denied* 100 N.Y.2d 503, 761 N.Y.S.2d 595, 791 N.E.2d 961.

<sup>30</sup> *Simmons v. New York City Police Dept.*, 35 A.D.3d 748, 825 N.Y.S.2d 768 (2d Dept. 2006); *Romanoff v. Kelly*, 23 A.D.3d 212, 806 N.Y.S.2d 6 (1<sup>st</sup> Dept. 2005)

<sup>31</sup> *D'Onofrio v. Kelly*, 22 A.D.3d 343, 802 N.Y.S.2d 159 (1<sup>st</sup> Dept. 2005); *Matter of Gordon v. La Cava*, 203 A.D.2d 290, 610 N.Y.S.2d 66 (2d Dept. 1994);

<sup>32</sup> *Nelson v. County of Suffolk*, 171 A.D.3d 756, 97 N.Y.S.3d 209 (2d Dept. 2019); *Matter of Capuano v Mahoney*, 232 A.D.2d 482, 648 N.Y.S.2d 657 (2d Dept. 1996)

<sup>33</sup> *Dixie v. Mulroy*, 216 A.D.2d 947, 629 N.Y.S.2d 349 (4<sup>th</sup> Dept. 1995)